



BOULT ■ CUMMINGS®
CONNERS ■ BERRY PLC

RECEIVED

2005 JUN -8 PM 3: 47

Email

Henry Walker
(615) 252-2363
Fax (615) 252-6363
Email hwalker@boultcummings.com

June 8, 2005 A. DOCKET ROOM

Honorable Pat Miller
Chairman, Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

05-00159

VIA HAND DELIVERY

Re: *Petition of AT&T Communications of the South Central States LLC for
Expedited Review of Central Office Code Denial
Docket No.*

Dear Chairman Miller:

Attached is the Petition of AT&T Communications of the South Central States, LLC for
Expedited Review of Central Office Code Denial.

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:

Henry Walker

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

June 8 2005

<i>IN RE:</i>)	
)	<i>Docket No.</i>
<i>Petition for Expedited Review of Growth</i>)	
<i>Code Denial by the Number Pooling</i>)	
<i>Administrator Relating to the Nashville Rate</i>)	
<i>Center</i>)	

**PETITION OF AT&T OF THE SOUTH CENTRAL STATES, LLC FOR
EXPEDITED REVIEW OF CENTRAL OFFICE CODE DENIAL**

AT&T of the South Central States, LLC ("AT&T"), pursuant to rules adopted by the Federal Communications Commission ("FCC") for challenging determinations of the Number Pooling Administrator ("NeuStar"), hereby petitions the Tennessee Regulatory Authority ("TRA") for an expedited review of NeuStar's denial of AT&T's application for one block of telephone numbers in the Nashville rate center in order for AT&T to serve its customer.

1. AT&T is a competitive local exchange carrier providing telecommunications services in Tennessee under the jurisdiction of the TRA.

2. NeuStar is an independent, non-governmental entity that is responsible for administering and managing numbering resources in pooling areas. See C.F.R. Section 52.13(a) and (b).

3. This Petition is based on the Federal Communications Commission ("FCC") Rules found at 47 C.F.R. § 52.15(g)(3)(iv) and pursuant to the Thousands-Block Number

(NXX-X) Pooling Administration Guidelines (“TBPAG”) and the Central Office Code (NXX) Assignment Guidelines published by the Industry Numbering Committee (“INC”). In addition, on March 31, 2000, the FCC issued a Report and Order and Further Notice of Proposed Rule Making related to numbering resource optimization (“FCC 00-104” or the “March Order”). On December 29, 2000, the FCC issued its Second Report and Order, Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200 (“FCC 00-249” or the “December Order”). These FCC Orders addressed issues and strategies relating to the efficient use of numbering resources.

4. In FCC 00-104 and FCC 00-429, the FCC announced rules and sought comments in an effort to implement uniform standards governing requests for telephone numbering resources in order to increase efficiency in the use of existing telephone numbers and to slow further exhaustion of existing numbers under the North American Numbering Plan.

5. Among other things FCC 00-104 adopted a revised standard for assessing a carrier’s need for numbering resources by requiring carriers to report rate center based utilization data to NeuStar. The FCC further required that to qualify for access to new numbering resources, applicants must establish that existing inventory within the applicant’s rate center will be exhausted within six months of the application.

6. In addition to the months-to-exhaust (“MTE”) requirement described above, the FCC’s rules also require carriers to meet a rate center utilization threshold of 75 percent to receive additional numbering resources in a given rate center. FCC 00-249 at Paragraph 22; FCC 01-362 Paragraphs 50-52.. Based on the FCC’s orders, carriers must

meet both the six-month MTE requirement and the utilization threshold on a rate center basis to obtain additional number resources. *Id.* at Paragraph 29.

7. An AT&T customer, Deloitte Services LP, has requested a block of 500 numbers for its place of business in the Nashville rate center. A copy of the letter outlining the request is attached as Exhibit A. AT&T has developed a communications plan that the customer will implement so that all of the 500 numbers will be assigned within 180 days of the numbers being made available to the customer. The numbers would be used as soon as they are available. The customer's dial plan and equipment limitations require that the numbers not be from the 0 or 9 blocks, as well as specific range limitations described in Exhibit A.

8. The Nashville rate center of the 615 Area Code was converted to Number Pooling on March 14, 2002 as authorized by the FCC. Consequently, normal numbering resource acquisition by a Number Pooling carrier, such as AT&T, is gained through an interface with NeuStar¹.

9. On May 25, 2005, AT&T submitted a "Thousand Block Application Form Part 1A", and a "Months to Exhaust and Utilization Certification Worksheet – TN Level" to NeuStar for a thousands-block in the Nashville rate center to satisfy the customer request. A copy of this application is attached as Exhibit B.

10. During the online session with the Pooling Administration System ("PAS"), AT&T received an error message instructing to "Return to the Months To Exhaust Form", indicating the request would not process through the system without a state waiver. The error message is included in Exhibit B. The NeuStar applies the FCC rules

¹ The federal rules in 47 C F R 52.15 generalize responsibilities of NANPA and the Pooling Administrator under the heading "Central office code administration".

and INC Guidelines. As set forth in Paragraphs 5 and 6, these rules and guidelines require that a block holder requesting growth resources demonstrate that existing resources within the rate center will both exhaust within 6.0 months, and meet the 75% utilization level. The error message included a calculation showing that the utilization level was not met.

11. Although AT&T has an adequate supply of telephone numbers to satisfy incremental requests for numbers without receiving a new block of numbers, AT&T's existing telephone resources cannot satisfy this customer's specific need. AT&T holds no blocks with 500 consecutive numbers matching the customer request. The number pool for the Nashville rate center currently holds 161 blocks, approximately 70 of which satisfy the customer request.²

12. As a result of the denial of AT&T's request for additional numbering resources, AT&T is unable to provide the telecommunications services requested by its customer in Tennessee.

13. In setting its policy for the assignment of telephone numbers, the FCC designated NANPA and NeuStar, as the Pooling Administrator, to handle numbering resource administration.³ If a numbering resource administrator withholds numbering resources from a carrier, the FCC has specifically authorized state commissions to overturn those decisions for reasonable cause. That authority is specifically set out in the relevant FCC Rule, 47 C.F.R. §52.15 (g)(3)(iv), which states:

² See "Block Report" at <http://nationalpooling.org/reports/index.htm>

³ 47 C.F.R. § 52.15(a) states "Central Office Code Administration shall be performed by the NANPA, or another entity or entities, as designated by the Commission" 47 C.F.R. § 52.20(d) states "The Pooling Administrator shall be a non-governmental entity that is impartial and not aligned with any particular telecommunications industry segment, and shall comply with the same neutrality requirements that the NANPA is subject to under this part"

The NANPA shall withhold numbering resources from any U.S. carrier that fails to comply with the reporting and numbering resource application requirements established in this part. The NANPA shall not issue numbering resources to a carrier without an OCN. The NANPA must notify the carrier in writing of its decision to withhold numbering resources within ten (10) days of receiving a request for numbering resources. The carrier may challenge the NANPA's decision to the appropriate state regulatory commission. **The state commission may affirm, or may overturn, the NANPA's decision to withhold numbering resources from the carrier based on its determination of compliance with the reporting and numbering resource application requirements herein.** (emphasis added).

The FCC also clarified in the FCC 00-249 Order that carriers may now appeal to states using a "safety valve" mechanism (paragraphs 57-66). The FCC contemplated the need for, and gave structure to states to respond when denials failed to consider a "specific customer request":

We also agree with WinStar that a carrier should be able to get additional numbering resources when there is a verifiable need due to the carrier's inability to satisfy a specific customer request. We therefore clarify that states may also grant relief if a carrier demonstrates that it has received a customer request for numbering resources in a given rate center that it cannot meet with its current inventory. Carriers may demonstrate such a need by providing the state with documentation of the customer request and current proof of utilization in the rate center.

Id.

14. An essential aspect of the "safety valve" provision is the accelerated response that is provided for in the FCC's order: States should act upon such a request in most instances in 10 business days, as noted by the FCC.

Finally, we recognize that in many instances, the failure to address a request for additional numbering resources can

impair a carrier's ability to stay in or expand business. We therefore direct states to act on carrier requests for a safety valve as expeditiously as possible. Although we do not establish a specific time limit for states to act on these requests, we believe that, in most instances, 10 business days from receipt of a request that the state determines to be sufficiently detailed and complete will be sufficient time to review and act upon safety valve requests. If a state does not reach a decision on a safety valve request within a reasonable timeframe, carriers may submit such requests to the Commission for resolution. In addition, carriers may appeal to the Commission safety valve decisions made by states, and we delegate authority to the Common Carrier Bureau to review such petitions as expeditiously as possible.

Id. at Paragraph 66.

15. AT&T seeks the Authority's review of NeuStar's decision to withhold numbering resources from it on the grounds that it: (1) violates the orders and rules of the FCC which grant carriers access to numbering resources to meet specific customer demands upon a sufficient showing of need and (2) interferes with AT&T's ability to serve its customers in Tennessee. As the FCC has stated, "Under no circumstances should consumers be precluded from receiving telecommunications services of their choice from providers of their choice for want of numbering resources." FCC 00-429 at Paragraph 61. By refusing to grant numbering resources sufficient to meet this Nashville customer's needs, the decision is preventing the customer from obtaining the service of its choice from its carrier of choice, AT&T.

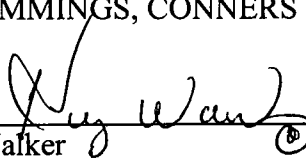
Relief Sought

For these reasons, AT&T respectfully requests that the Authority expeditiously review NeuStar's decision denying AT&T's request for additional numbering resources and order NeuStar to provide the requested numbers to meet the specific requirements of AT&T's Nashville customer.

Respectfully submitted,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By: _____


Henry Walker
1600 Division Street
Suite 700
Nashville, Tennessee 37203
(615) 252-2363

Deloitte.

Exhibit A

Deloitte Services LP
4022 Sells Drive
Hermitage, TN 37076-2930
USA

Tel: +1 615 882 7600
Fax: +1 615 882 6600
www.deloitte.com

May 24, 2005

Code Administration,

This Letter of Intent, is for Deloitte & Touche (Deloitte Services LP) to request 500 numbers for **PRIME SERVICE**. Deloitte agrees to activate the numbers requested within 180 days from the date of assignment. Our service will be from the **Nashville** servicing rate center **NSVLTN48DS0**.

The requested numbers must be consecutively available, but cannot be

615-884-0400-0899
615-750-6000-7999

Cannot use ranges in the, 9000, 0000 blocks.

Regards,



Donald R. Nadell
Network Telecom Engineer
Information Technology Services

Pooling Administration System

 floper (SP)


Sign Out

Request Resources

State	TENNESSEE
NPA	615
Rate Center	NASHVILLE
OCN	7658-TCG AMERICA - TN
Type of Application	Application for Individual Blocks
Quantity of Blocks Requested	1

 NOTE:

If you are selecting a Rate Center that is moving to a new NPA due to a split, PAS will automatically migrate the request to the new NPA once the mandatory dialing date occurs

Pooling Administration System	
 lloper (SP)	Sign Out
Part 1A	
Type of Application : New	
1.1 Contact Information :	
<i>Note If any of the contact info is incorrect, edit your user profile</i>	
Block Applicant :	
Company Name TCG AMERICA - TN	
Headquarters Address ONE AT&T WAY	
City BEDMINSTER	
State NJ	
Zip 07921	
Contact Name Ms Lisa A Loper	
Contact Address ONE AT&T WAY	
City BEDMINSTER	
Zip 07921	
Telephone (908) 234-7622	
E-mail lloper@att.com	
Fax (908) 234-8044	
State NJ	
Pooling Administrator :	
Contact Name Ms Genevieve Paulino	
Contact Address 1800 Sutter St. Ste. 780	
City Concord	
Zip 94520	
Telephone (925) 363-7652	
E-mail genevieve.paulino@neustar.biz	
Fax (925) 363-7683	
State CA	
1.2 General Information	
LRN Needed No	
NPA 615	
LATA * 470	
OCN 7658-TCG AMERICA - TN	
Parent Company OCN * 7125	
Number of Thousands-Blocks Requested 1	
Switch Identification (Switching Identity/POI) * NSVLTN48DS0	
City or Wire Center Name NSVLTN48	
Rate Center NASHVILLE	
Rate Center Sub Zone	
1.3 Dates	

Date of Application Wednesday, May 25, 2005			
Requested Block Effective Date 25 Jun 2005			
Request Expedited Treatment <input type="radio"/> Yes <input checked="" type="radio"/> No			
1.4 Type of Service Provider Requesting the Thousands-Block			
a) Type of Service Provider * CAP OR CLEC			
b) Primary type of service Blocks to be used for * Wireline			
c) Thousands-Block(s) (NPA-NXX-X) assignment preference Click here to see the available blocks in the pool			615-750-4 Delete
d) Thousands-Block(s) (NPA-NXX-X) that are undesirable for this assignment, if any			Delete
e) If requesting a code for LRN purposes, indicate which block(s) you will be keeping (the remainder of the blocks will be given to the pool) N/A			
1.5 Type of Request			
Initial block for rate center <input type="radio"/> Yes			
Growth block for rate center <input checked="" type="radio"/> Yes			
Change block N/A			
Disconnect block N/A			
I hereby certify that the above information requesting an NXX-X block is true and accurate to the best of my knowledge and that this application has been prepared in accordance with the Thousands-Block (NXX-X) Pooling Administration Guidelines INC 99-0127-023			
Example Change			

Pooling Administration System

 lloper (SP)

Sign Out

Months to Exhaust and Utilization Certification Worksheet - TN Level

Date **Wednesday, May 25, 2005**OCN **7658**Company Name **TCG AMERICA - TN**Rate Center **NASHVILLE**List all Codes NPA(s)-NXXs and Blocks NPA(s)-
NXX-X(s)Name of Block Applicant **Ms Lisa A Loper**Title **Assistant Manager**Telephone Number **(908) 234-7622**Fax Number **(908) 234-8044**E-Mail **lloper@att.com**A Available Numbers * **8982**B Assigned Numbers * **10215**C Total Numbering Resources * **25000**D Quantity of numbers activated in the past 90
days and excluded from the Utilization
calculation * **0**

List excluded Code(s) or Block(s)

E Growth History - Previous 6 months² *

Month 1	-252	Month 2	153
Month 3	-4872	Month 4	2356
Month 5	-74	Month 6	567

F Forecast - Next 12 months³ *

Month 1	500	Month 2	235
Month 3	153	Month 4	-198
Month 5	-250	Month 6	-411
Month 7	-50	Month 8	40
Month 9	13	Month 10	10
Month 11	-186	Month 12	-192

G Average Monthly Forecast (Sum of months # 1-6 (Part F above) divided by 6) **4.833**

H Months to Exhaust ⁴ (Numbers Available for Assignment to customers (A) / Average Monthly Forecast (G))

Block Requested

1

A. Available Numbers

8982

H. Months to Exhaust

1858.473

I Utilization⁵(Assigned Numbers (B)) / (Total Numbering Resources (C) - Excluded Numbers (D)) * 100

40.860

Explanation

1. A copy of this worksheet is required to be submitted to the Pooling Administrator when requesting additional numbering resources in a rate center. For auditing purposes, the applicant must retain a copy of this document.
2. Net change in TNs no longer available for assignment in each previous month, starting with the most distant month as Month #1, and Month #6 as the current month.
3. Forecast of TNs needed in each following month, starting with the most recent month as Month #1.
4. To be assigned an additional thousands-block (NXX-X) for growth, "Months to Exhaust" must be less than or equal to 6 months. (FCC 00-104, § 52.15 (g)(3)(iii)).
5. Newly acquired numbers may be excluded from the Utilization calculation (FCC 00104, section 52.15 (g)(3)(ii))

Show Calculations

Continue

Cancel

Pooling Administration System

 iloper (SP)

Sign Out

Months to Exhaust and Utilization Certification Worksheet - TN Level (Continued)

Your utilization calculates to **40.860 percent** The FCC requires a utilization of **75.000 percent**

Select One Option and Submit

- ☒ Return to the Months To Exhaust Form
- ☐ Discard all the information provided for the request and start with a fresh Part 1A
- ☐ State Waiver Option